FARAD CONTINUATION SHEET NO:-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 3820 OF 1994

Office Notes, Office Memorana of Coram, appearances, Court's or directions and Registrar's Orders:	**Court's or Judge's Orders.**

Ms. Shravani Shailendra i/b. P. S. Dani for Petitioners.

None for the Respondents.

CORAM :- D. B. BHOSALE, J.

DATED :- 07/09/2006.

P. C.:-

Heard Ms. Shravani Shailendra, learned counsel for the Petitioners. None for the Respondents, though served.

This Petition is directed against the orders passed by the Courts below on the application at Exh. 5 seeking temporary injunction against the Petitioner-Defendant Nos. 1 to 5 restraining them from causing obstruction to the possession of the Respondent-Plaintiff over the suit land. Initially temporary injunction was granted by the Trial Court, vide order dated 19th

February, 1991 and the appeal against that order filed by the Petitioners was dismissed on 8th December, 1992. This Court while issuing a rule on 20th October, 1995 granted ad-interim relief in terms of prayer Clause-(c). Prayer Clause (c) reads thus:-

> ***"That pending the hearing and final disposal of this petition, the execution and/or implementation and/or operation of the order of injunction issued by the learned Civil Judge, Junior Division, Daund by his judgment and order dated 19th February, 1991 passed below Ex. 5 in Regular Civil Suit No. 161 of 1989 Ex. F to this petition as confirmed by the judgment and order dated 8th December, 1992 passed by the learned Additional District Judge, Baramati in Misc. Civil Appeal No. 12 of 1991 Ex. K to this petition be stayed;"***

As a result of an ad-interim relief in terms of the Prayer Clause (c), the orders impugned in the Writ Petition remained stayed since 20th October, 1995. Ms. Shravani Shailendra, learned counsel for the Petitioners is not in a position to state whether the suit is still pending. Keeping that in view and considering that the interim order passed by this Court in October, 1995 is running in favour of the Petitioners till this date, in my opinion, the interest of justice would be met by the following order:-

a) The rule is made absolute in terms of Prayer Clause (c).

b) The Trial Court shall endeavour to dispose of the Regular Civil Suit No. 161 of 1989, if not disposed of already, as expeditiously as possible and preferably within a period of 8 months from the date of receipt of this order. The Trial Court shall decide the suit on merits in accordance with

law, without being influenced by the orders passed in the proceedings arise out of Exhibit-5 -application.

c) Writ Petition is disposed of in aforesaid terms.

(D. B. BHOSALE, J.)